



COPY OF PAPERS  
ORIGINALLY FILED

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Keith D. Allen

Group Art Unit: 1636

Serial No.: 09/900,497

Examiner: Pappu, Sita S.

Filed: July 6, 2001

Attorney Docket No.: R-639

For: **TRANSGENIC MICE CONTAINING NPY6-R NEUROPEPTIDE RECEPTOR GENE  
DISRUPTIONS**

**RECEIVED**  
AUG 07 2002  
TECH CENTER 1600,2300

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed July 2, 2002, concerning the Examiner's restriction to the claims, Applicant hereby provisionally elects, with traverse, Invention I (claims 1-15 and 17-19), drawn to a targeting construct; a method of producing a targeting construct; an embryonic stem cell; a non-human transgenic animal; a transgenic mouse comprising a disruption in an NPY6 receptor gene; a method of producing a non-human transgenic animal; a method of producing a transgenic mouse; and a method of identifying an agent that modulates the expression and/or function of an NPY6 receptor gene.

In the restriction, the Examiner asserts that claims 1-20 are drawn to three distinct subjects, grouped as: Invention I (claims 1-15 and 17-19), drawn to a targeting construct, a method of producing a targeting construct, an embryonic stem cell, a non-human transgenic animal, a transgenic mouse comprising a disruption in an NPY6 receptor gene, a method of producing a transgenic mouse, and a method of identifying an agent having an effect on a phenotype; Invention II (claim 16), drawn to an agent that modulates the expression of NPY6 receptor gene; and Invention III (claim 20), drawn to phenotypic data in a database.

Specifically, the Examiner asserts that the agent of Invention II is structurally different from the animal of Invention I and involves methods that are distinct from those of Invention I.

The Examiner further asserts that the methods of Invention I involve procedures that are materially different from those of Invention II. The Applicant disagrees with the Examiner's conclusion in that the agent recited in the claim of Invention II is related to the compositions and methods recited in the claims of Invention I. A search and examination of these claims, therefore, can be made without serious burden to the Examiner.

It is also asserted by the Examiner that a search for the agent recited in the claim of Invention II would not reveal art on the transgenic animal and data in the database of Invention III. Further, the Examiner asserts, that a search for the data in the database of Invention III would not reveal art on the agent of Invention II or the targeting construct of Invention I. The Applicant disagrees with the Examiner's assertions in that the data in the database of Invention III, the agent of Invention II and the targeting construct of Invention I are related, and thus a search and examination on the claims of Inventions I, II and III can be made without serious burden to the Examiner.

Although the Applicant has provisionally elected Invention I for the purposes of advancing prosecution of the present application, Applicant contends for the foregoing reasons that the restriction requirement is improper. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the requirement.

Respectfully submitted,

Date: July 26, 2002

Aaron T. Hokamura  
Aaron T. Hokamura, Reg. No. P-51,810

DELTAGEN, INC.  
740 Bay Road  
Redwood City, CA 94063  
(650) 569-5100

Enclosures

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

I hereby certify that this correspondence and its listed enclosures is being deposited with the United States Postal Service as First Class Mail, postage paid, in an envelope addressed to: Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231, Box NF Amendment on **July 26, 2002**

Name: **Deborah A. Mojarro**

Signed: Deborah A. Mojarro

Date: July 26, 2002